

**UNITED STATES DISTRICT COURT**

**for**

**EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

**U.S.A. vs. Cory McFadden**

**Docket No. 4:95-CR-41-10H**

**Petition for Action on Supervised Release**

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Cory McFadden, who, upon an earlier plea of guilty to Racketeering, in violation of 18 U.S.C. § 1962(c), and Kidnapping Resulting in Death and Aiding and Abetting, in violation of 18 U.S.C. §§ 1201(a)(1) and 2, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on March 12, 1997, to the custody of the Bureau of Prisons for a term of 168 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Cory McFadden was released from custody on April 25, 2008, to the Southern District of New York, at which time the term of supervised release commenced. On November 5, 2010, the court was notified that the defendant was charged with Trademark Counterfeiting in the Third Degree, Unlicensed General Vendor and Failure to Disclose Origin of Recording in the Second Degree, in the Southern District of New York. The charges were dismissed.

On July 26, 2011, the court was again notified that the defendant had pled guilty to Aggravated Unlicensed Operation (of a vehicle) in the Third Degree in the Southern District of New York.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On March 31, 2012, McFadden was arrested by the New York City Police Department and charged with Driving With a Suspended License in the Third Degree. He appeared in court on May 15, 2012, and pled guilty to Operating a Motor Vehicle with a Suspended License, in violation of

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New York State Vehicle Traffic Law 509.1. He was sentenced to pay a \$75 fine by July 23, 2012. According to his supervising officer, in the Southern District of New York, he has been verbally reprimanded for being arrested a third time, specifically, for driving a vehicle without a valid license. As a response to his non-compliance, the probation officer has recommended that he complete 200 hours of community service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 200 hours of community service as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller  
Jeffrey L. Keller  
Supervising U.S. Probation Officer

/s/Erica W. Foy  
Erica W. Foy  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8660  
Executed On: May 24, 2012

**ORDER OF COURT**

Considered and ordered this 25 day of May, 2012, and ordered filed and made a part of the records in the above case.

Malcolm J. Howard  
Malcolm J. Howard  
Senior U.S. District Judge